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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

MAIL STOP AF

Patent Application of

Takenori Idehara et al.

Application No.: 09/961,363

Filing Date: September 25, 2001

Title: NETWORK DEVICE CONNECTING SYSTEM, DATA TRANSMISSION DEVICE, DATA RECEIVING DEVICE, AND PORTABLE TERMINAL

Group Art Unit: 2154

Examiner: Ramsey Refai

Confirmation No.: 5946

AMENDMENT/REPLY TRANSMITTAL LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Enclosed is a reply for the above-identified patent application.

☐ A Petition for Extension of Time is also enclosed.

☐ Terminal Disclaimer(s) and the ☐ \$65.00 (2814) ☐ \$130.00 (1814) fee per Disclaimer due under 37 C.F.R. § 1.20(d) are also enclosed.

☐ Also enclosed is/are _____

☐ Small entity status is hereby claimed.

☐ Applicant(s) requests continued examination under 37 C.F.R. § 1.114 and enclose the ☐ \$395.00 (2801) ☐ \$790.00 (1801) fee due under 37 C.F.R. § 1.17(e).

☐ Applicant(s) requests that any previously unentered after final amendments not be entered. Continued examination is requested based on the enclosed documents identified above.

☐ Applicant(s) previously submitted _____

_____ on _____
for which continued examination is requested.

☐ Applicant(s) requests suspension of action by the Office until at least _____, which does not exceed three months from the filing of this RCE, in accordance with 37 C.F.R. § 1.103(c). The required fee under 37 C.F.R. § 1.17(i) is enclosed.

☐ A Request for Entry and Consideration of Submission under 37 C.F.R. § 1.129(a) (1809/2809) is also enclosed.

- ☒ No additional claim fee is required.
- ☐ An additional claim fee is required, and is calculated as shown below.

AMENDED CLAIMS					
	No. of Claims	Highest No. of Claims Previously Paid For	Extra Claims	Rate	Additional Fee
Total Claims	32	MINUS 65 =	0	x \$50.00 (1202) =	\$ 0.00
Independent Claims	5	MINUS 7 =	0	x \$200.00 (1201) =	\$ 0.00
If Amendment adds multiple dependent claims, add \$360.00 (1203)					\$ 0.00
Total Claim Amendment Fee					\$ 0.00
<input type="checkbox"/> Small Entity Status claimed - subtract 50% of Total Claim Amendment Fee					\$ 0.00
TOTAL ADDITIONAL CLAIM FEE DUE FOR THIS AMENDMENT					\$ 0.00

- ☐ A check in the amount of _____ is enclosed for the fee due.
- ☐ Charge _____ to Deposit Account No. 02-4800.
- ☐ Charge _____ to credit card. Form PTO-2038 is attached.

The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17, 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.


Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

P.O. Box 1404
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(703) 836-6620

Date: August 2, 2005

By



James A. LaBarre
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

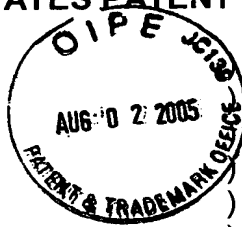
In re Patent Application of

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For: NETWORK DEVICE CONNECTING
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DEVICE, DATA RECEIVING
DEVICE, AND PORTABLE
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Group Art Unit: 2154

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REQUEST FOR RECONSIDERATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated May 2, 2005, Applicants respectfully request reconsideration of the rejection of the claims. The withdrawal of the previous grounds of rejection, based upon the Eldridge et al. patent, is noted with appreciation.

Claims 46, 47, 49-52, 55, 59, 62, 64 and 65 were rejected under 35 U.S.C. § 102, on the grounds that they were considered to be anticipated by the newly-cited Liu et al. patent (U.S. 6,574,664). Claims 48, 53, 54, 60, 61, 63 and 66-71 were rejected under 35 U.S.C. § 103 on the basis of the Liu patent in view of the Eldridge patent. It is respectfully submitted that the Liu patent neither anticipates, nor otherwise suggests the subject matter of the rejected claims, whether considered by itself or in combination with the Eldridge patent.

The claims are directed to a system that includes three distinct devices, namely a data transmission device, a data receiving device, and a portable terminal.

In essence, the portable terminal functions as a go-between, or an agent, between the data transmission device and the data receiving device, to execute address inquiry.

It is not apparent from the Office Action what structure in the Liu patent is considered to correspond to each of the elements recited in the claims. For instance, each of independent claims 46, 51 and 58 is directed to a respective one of the three devices identified above. However, the rejections of each of these three claims refer to the same portions of the Liu patent. It is not understood how these same portions can be considered to anticipate each of the data transmission device, data receiving device and portable terminal, since they each perform different sets of functions. Moreover, in characterizing the disclosure of the Liu patent, the Office Action merely refers to a generic "device." It is not apparent which of the various devices disclosed in the patent is being referred to. For instance, it is not apparent whether the Office Action is referring to a local discovery node 132, 136, a different device on the same network as the local discovery node, or a device on a different network when it uses the term "device."

Turning to claim 46, for example, it recites a data transmission device having three elements, namely a first transmission unit for transmitting a signal to a portable terminal, a receiving unit for receiving information from the portable terminal, and a second transmission unit for transmitting a signal to the data receiving device. With respect to the first transmission unit, the Office Action refers to the Liu patent at column 2, lines 52-67, and column 3, lines 33-43, with the statement "device makes request to the remote discovery node to obtain address of other device." Based upon this statement, it appears that the referenced "device" is a device on a network

other than the one on which the discovery node resides. There is no disclosure in the patent that such a "device" transmits a signal to a portable terminal to obtain device information from the data receiving device. The Office Action does not identify any disclosure of a portable terminal within the Liu patent, or subject matter that is considered to be equivalent thereto. For at least this reason, therefore, the patent can not be interpreted to anticipate the subject matter of the claim.

With respect to the second claimed element of the data transmission device, namely the receiving unit, the Office Action refers to the Liu patent at column 2, lines 15-67, and states "device obtains address of other devices." This portion of the patent refers to a number of different devices. It is not clear from the Office Action which of these devices is being interpreted as the receiving unit. If the rejection is not withdrawn, the Examiner is requested to provide further explanation of his interpretation of the reference, relative to the claim language.

With respect to the third recited element, namely the second transmission unit, the Office Action refers to the Liu patent at column 1, lines 33-47, and column 2, lines 23-34. This latter portion of the patent pertains to the local discovery node. Thus, it appears that the Office Action is interpreting a local discovery node, e.g. 132 or 136, as corresponding to the claimed second transmission unit. Claim 46 recites that the second transmission unit is an element of the data transmission device, and functions to transmit a signal to the data receiving device to request a connection. It does not appear from the referenced portion of the Liu patent that the local discovery node operates in accordance with the claim. Rather, its function is to obtain IP and MAC addresses of each device on the local network.

Furthermore, it is be noted that each of the first transmission unit, receiving unit, and second transmission unit are being claimed as elements of a common device, namely the data transmission device. In rejecting the claim, the Office Action appears to be referring to disparate devices described in the Liu patent. There is no disclosure that these various devices are constituent components of a data transmission device. Rather, they appear to be independent devices, in and of themselves.

For at least the foregoing reasons, therefore, it is respectfully submitted that the Liu patent does not anticipate the subject matter of claim 46. For similar reasons, it is respectfully submitted that the Liu patent does not anticipate the data receiving device of claim 51 or the portable terminal of claim 58. Reconsideration and withdrawal of the rejections of these claims, as well as their dependent claims, is respectfully submitted. If the rejection is not withdrawn, the Examiner is requested to identify which "device" in the Liu patent is being interpreted as each of the claimed elements.

Claim 66 recites a data receiving device that is used in connection with a data transmission device and a portable terminal. The claim recites that the data receiving device includes a wireless communication unit for receiving device information of the data transmission device from the portable terminal. With respect to this claimed subject matter, the Office Action again refers to the Liu patent at column 2, lines 52-67, and column 3, lines 33-43. As discussed previously, it is not apparent from this reference which structure in the Liu patent is being interpreted to correspond to the data receiving device, or a communication unit that receives device information from a portable terminal that pertains to a data transmission

device. Consequently, even if one or more of the devices disclosed in the Liu patent communicates over the network via a wireless medium, as suggested in the Office Action, it is not apparent how the reference is being interpreted to suggest the claimed subject matter. In particular, the Office Action does not identify which "device" in the Liu patent is considered to be a data receiving device having a unit that communicates in a wireless manner with a portable terminal to receive device information for establishing a connection between itself and a data transmission device. If the rejection is not withdrawn, the Examiner is respectfully to explain which specific structure in the Liu patent is being interpreted to correspond to the elements recited in claim 66.


For at least the foregoing reason, therefore, it is respectfully submitted that the Office Action has not set forth a prima facie case of obviousness against claim 66. For at least these same reasons, it is respectfully submitted that the rejection of dependent claims 67-71, as set forth in the Office Action, is also not supportable.

Reconsideration and withdrawal of the rejections, and allowance of all pending claims are respectfully requested.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: August 2, 2005

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